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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,524	12/12/2001	Akio Ito	12324799	8531

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EXAMINER

GIBBS, HEATHER D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,524	Applicant(s) ITO, AKIO	
	Examiner Heather D. Gibbs	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/12/2002</u> 8-28-03 | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. Figure 31 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,4,6-7,9,11-12,14,16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohashi (US 6,750,990).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, which is representative of claims 6,11, Ohashi discloses an image reading apparatus characterized by comprising: an original convey unit for moving an original on an original table (Ref 71); an image reading unit for reading original image light while moving the original by using said original convey unit (Ref 74); an abnormality detection unit for detecting an abnormality on said original table and detecting a pixel corresponding to the abnormality as an abnormal pixel (Ref 75); and a control unit for limiting a predetermined function in accordance with the position of the abnormal pixel detected by said abnormality detection unit (Ref 412; Fig 7; Col 9 Lines 13-31).

Considering claim 2, which is representative of claims 7,12, Ohashi teaches that said abnormality detection unit detects continuity and a position of image data read by said image reading unit to detect the data as an abnormal pixel (Col 9 Lines 43-46; 57-67; Col 14 Lines 6-29).

For claim 4, which is representative of claims 9,14 Ohashi discloses that said abnormality detection unit detects continuity, a position, and a line width of the image data to detect the data as an abnormal pixel (Col 8 Lines, 16-45; Fig 4).

Regarding claim 16, Ohashi teaches a computer to execute the image reading method as defined in claim 11 (Col 15 Lines 5-14).

Considering claim 17, Ohashi teaches a storage medium characterized by storing the program defined in claim 16 as a computer-readable program (Col 15 Lines 15-36).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3,8,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi '990 in view of Imaizumi et al (US 6,792,161).

Ohashi discloses the image reading apparatus/method as described above.

Ohashi does not disclose expressly wherein said control unit limits an original size in accordance with the abnormal pixel detected by said abnormality detection unit.

Imaizumi discloses wherein said control unit limits an original size in accordance with the abnormal pixel detected by said abnormality detection unit (Col 4 Lines 43-52; Col 6 Lines 40-47).

Ohashi & Imaizumi are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Imaizumi with Ohashi.

The suggestion/motivation for doing so would have been to detect problems in image shading, as taught by Imaizumi.

Therefore, it would have been obvious to combine Ohashi with Imaizumi to obtain the invention as specified in claims 3,8,13.

7. Claims 5,10,15 rejected under 35 U.S.C. 103(a) as being unpatentable over Ohashi '990 in view of Nguyen et al (US 6,336,082).

Ohashi discloses the image reading apparatus/method as discussed above.

Ohashi does not disclose expressly wherein said control unit limits a resolution of an image in accordance with the abnormal pixel detected by said abnormality detection unit.

Nguyen discloses wherein said control unit limits a resolution of an image in accordance with the abnormal pixel detected by said abnormality detection unit (Col 4 Lines 9-23).

Ohashi & Nguyen are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Nguyen with Ohashi.

The suggestion/motivation for doing so would have been to compensate for pixels representing overlapping features, as taught by Nguyen.

Therefore, it would have been obvious to combine Ohashi with Nguyen to obtain the invention as specified in claims 5,10,15.

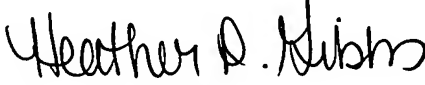
Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hdg


Heather D Gibbs
Examiner
Art Unit 2622


EDWARD COLES
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